

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

MITCHELL HENNESSEY,

Defendant.

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Case No. 22-cr-00612

**MITCHELL HENNESSEY’S REPLY IN SUPPORT OF
MOTION TO MODIFY CONDITIONS OF RELEASE**

Mr. Hennessey respectfully submits his Reply to the government’s Response to his motion to modify conditions of release. ECF 189.

First, the government asserts that GPS monitoring is necessary to put Mr. Hennessey in parity with his “similarly situated” codefendants, but the government studiously avoids addressing even one of the 18 U.S.C. § 3142(g) factors. Analysis of those factors demonstrates both that Mr. Hennessey is not similarly situated to his codefendants and that GPS monitoring is not necessary to assure Mr. Hennessey’s appearance in this case.

Second, the government asserts that the magistrate court “concluded that [Mr.] Hennessey’s financial resources provide the means to flee prosecution and that the significant consequences of conviction provide the incentive to do so.” ECF 189 at 1. As set forth in Mr. Hennessey’s motion, the magistrate court made no such findings, but instead based the decision to impose GPS monitoring on the government’s statement in the hearing that Mr. Hennessey “is alleged to have made millions on this scheme.” *See* ECF 180 at p. 14:12; 18:4-22. The government does not address this inaccurate statement about the allegations or Mr. Hennessey’s *current* financial condition.

Finally, the government erroneously asserts in its Response that Mr. Hennessey has been accused of “securities *and commodities* fraud.” ECF 189 at 1 (emphasis added). Mr. Hennessey has *not* been charged with commodities fraud.¹ *See* ECF 134, Superseding Indictment.

Mr. Hennessey respectfully requests that the Court remove the condition of release requiring him to wear a GPS tracking device.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2023, a true and correct copy of the foregoing was served electronically on all persons via the Court’s CM/ECF system.

/s/ Laura Marie Kidd Cordova

Laura Marie Kidd Cordova

¹ “Commodities are basic goods such as wheat, gold, oil and cattle.” *Investment Products: Futures & Commodities*, FINRA, available at <https://www.finra.org/investors/investing/investment-products/futures-and-commodities>.